

to the subject matter of the testimony of the witness, do relate to other matters raised by the pleadings. With such material excised the administrative law judge shall then direct delivery of such statement to the respondent for his use on cross-examination. If, pursuant to such procedure, any portion of such statement is withheld from the respondent and the respondent objects to such withholdings, the entire text of such statement shall be preserved by the general counsel, and, in the event the respondent files exceptions with the Board based upon such withholding, shall be made available to the Board for the purpose of determining the correctness of the ruling of the administrative law judge. If the general counsel elects not to comply with an order of the administrative law judge directing delivery to the respondent of any such statement, or such portion thereof as the administrative law judge may direct, the administrative law judge shall strike from the record the testimony of the witness.

(c) The provisions of paragraph (b) of this section shall also apply after any witness has testified in any post-election hearing pursuant to §102.69(d) and any party has moved for the production of any statement (as herein-after defined) of such witness in possession of any agent of the Board which relates to the subject matter as to which the witness has testified. The authority exercised by the administrative law judge under paragraph (b) of this section shall be exercised by the hearing officer presiding.

(d) The term *statement* as used in paragraphs (b) and (c) of this section means:

(1) A written statement made by said witness and signed or otherwise adopted or approved by him; or

(2) A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement made by said witness to an agent of the party obligated to produce the statement and recorded contempora-

neously with the making of such oral statement.

[33 FR 9819, July 9, 1968, as amended at 35 FR 10658, July 1, 1970; 40 FR 7291, Feb. 19, 1975; 40 FR 50662, Oct. 30, 1975; 52 FR 27990, July 27, 1987]

Subpart L—Practice Before the Board of Former Employees¹

§102.119 Prohibition of practice before Board of its former regional employees in cases pending in region during employment.

No person who has been an employee of the Board and attached to any of its regional offices shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding which was pending in any regional office to which he was attached during the time of his employment with the Board.

[28 FR 7975, Aug. 6, 1963]

§102.120 Same; application to former employees of Washington staff.

No person who has been an employee of the Board and attached to the Washington staff shall engage in practice before the Board or its agents in any respect or in any capacity in connection with any case or proceeding pending before the Board or any regional offices during the time of his employment with the Board.

[28 FR 7975, Aug. 6, 1963]

Subpart M—Construction of Rules

§102.121 Rules to be liberally construed.

The rules and regulations in this part shall be liberally construed to effectuate the purposes and provisions of the act.

¹ Attention is directed to Public Law 87-849 (76 Stat. 1119) which amends chapter 11 of title 18, U. S. Code, entitled "Bribery, Graft and Conflicts of Interest" and which provides for the imposition of criminal sanctions under certain circumstances.